

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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**GMAC BANK,**

**Plaintiff,**

**v.**

**HOME MORTGAGE, INC., LAWRENCE  
LUCKETT and JOHN DOES 1-10, inclusive,  
Defendants.**

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**08 CV 1792**

**Judge Grady  
Magistrate Judge Cox**

**PLAINTIFF'S AGREED MOTION FOR PRE-JUDGMENT  
ATTACHMENT OF ASSETS**

Plaintiff GMAC Bank ("GMAC"), by and through its attorneys, hereby moves this Court for Pre-Judgment Attachment of Assets pursuant to Federal Rule of Civil Procedure 64 and 735 ILCS 5/4-101. As fully set forth in the attached Memorandum of Law in Support of its Motion for Pre-Judgment Attachment of Assets and its Affidavit of Kelly Jasper, dated April 14, 2008, Plaintiff GMAC is entitled to pre-judgment relief available to it under controlling law because Defendants fraudulently contracted for the debt at issue. *See* 735 ILCS 5/4-101(9) (providing that cause exists for attachment where the "debt sued for was fraudulently contracted on the part of the debtor"). As alleged in the Complaint and shown in the attached Affidavit, and in the Memorandum in Support of this Motion, the fraudulent statements on the part of Defendants have been reduced to writing. Plaintiff has conferred with Defendant Lawrence Luckett, who does not object to and agrees to entry of the Proposed Order on Pre-Judgement Attachment of Assets.

WHEREFORE, Plaintiff respectfully requests that this Court grant an Order of Attachment for Defendant Lawrence Luckett's property at: (1) 59 Woodview Lane, Lemont,

Illinois, PIN: 22-24-204-004-000; and (2) 1253 W. Station St., Kankakee, Illinois, PIN: 16-09-31-409-014; such as the Proposed Order attached hereto as Exhibit A.

Dated: April 14, 2008

Respectfully submitted,

GMAC BANK

By: /s/ Timothy J. Rivelli

Timothy J. Rivelli  
Timothy J. McCaffrey  
Scott C. Walton  
WINSTON & STRAWN LLP  
35 W. Wacker Dr.  
Chicago, Illinois 60601  
Phone: (312) 558-5600  
Fax: (312) 558-5700  
trivelli@winston.com  
tmccaffr@winston.com  
swalton@winston.com

**CERTIFICATE OF SERVICE**

Scott C. Walton, an attorney, certifies that he caused a copy of the foregoing document to be served by facsimile and regular mail, this 14th day of April, to:

Alan H. Garfield  
Garfield & Merel, Ltd.  
223 West Jackson Boulevard, Suite 1010  
Chicago, Illinois 60606-6908  
Telephone: (312) 583-1600  
Fax: (312) 583-1700

Michael Nash  
20 S. Clark St., Ste 2000  
Chicago, Illinois 60603  
Telephone: (312) 236-8788  
Fax: (312) 922-2055

/s/ Scott Walton